

**FIFTIETH DAY.**

(Continued.)

Senate Chamber,  
Austin, Texas,  
March 26, 1931.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**Bills and Resolutions.**

By an affirmative vote of four-fifths of the membership of the Senate, the Constitutional Rule relating to the introduction of bills during the last 90 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Hardin:

S. B. No. 570, A bill to be entitled "An Act amending Section 4, Chapter 35, Acts of the Special Laws of the Thirty-third Legislature, the same being Senate Bill No. 253; and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Beck:

J. B. No. 571, A bill to be entitled "An Act to validate the extension of the corporate limits of cities having a population of not less than 15,000 and not more than 20,990, according to the last preceding United States census, either wherein said extension of territory was attempted under Statutes providing for the consolidation of cities of more than 5,000 population, and wherein in the act of extending said corporate limits said city has included all of the territory of an adjoining city of less than 2,000 population, and/or wherein said extension of territory was attempted under charter provisions which provide for the annexation of adjoining territory without specific reference to the fact that the adjoining territory is included in an incorporated city, and to validate all proceedings, actions, resolutions, elections and ordinances taken or made in reference thereto or pursuant thereto, repealing all laws and parts thereof in conflict herewith to the extent in conflict herewith, and declaring an emergency."

Read and referred to Committee on Towns and City Corporations.

By Senator Holbrook:

S. B. No. 572, A bill to be entitled "An Act making better provisions for public parks and playgrounds outside the limits of incorporated cities; authorizing cities to acquire and maintain recreation parks and playgrounds without their territorial limits and within the county within which they are situated."

Read and referred to Committee on Towns and City Corporations.

By Senators Hopkins and Russek:

S. B. No. 573, A bill to be entitled "An Act giving to the Lee Moore Contracting Company, its successors or assigns, consent of the Legislature to sue the State of Texas and the State Highway Commission, suit to be brought in either El Paso or Travis Counties, growing out of the construction of a twenty (20) mile strip on State Highway No. 120 and declaring an emergency."

Read and referred to Committee on State Affairs.

**Senator Excused.**

On motion of Senator Hopkins, Senator Martin was excused for the day on account of illness.

**Simple Resolution No. 90.**

Senator Stevenson sent up the following resolution:

Whereas, The Hon. J. J. Mansfield of Colorado County, Congressman from the Ninth Congressional District of Texas, is in the capitol; therefore, be it

Resolved That he be given the privilege of the floor and be invited to address the Senate.

STEVENSON,  
HOLBROOK,  
RUSSEK,  
HOPKINS.

Read and adopted.

The Chair appointed Senators Stevenson, Russek, Holbrook and Hopkins to escort Congressman Mansfield to the platform.

**House Bill No. 683.**

The question recurred upon the pending amendments to H. B. No. 683.

Senator Small withdrew the amendments.

Senator Poage moved the previous

question on the further consideration of the bill. The motion prevailed.

The bill passed to third reading by the following vote:

**Yeas—18.**

Berkeley.	Patton.
Cunningham.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Loy.	Williamson.
Moore.	Woodruff.
Oneal.	Woodul.
Parrish.	Woodward.

**Nays—9.**

Beck.	Hornsby.
Cousins.	Parr.
DeBerry.	Russek.
Holbrook.	Thomason.
Hopkins.	

**Absent.**

Neal.	Pollard.
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(Pair Recorded.)

Senator Stevenson (present) who would vote yea, with Senator Martin (absent) who would vote nay.

The motion of Senator Purl to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

**Yeas—23.**

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Williamson.
Loy.	Woodruff.
Moore.	Woodul.
Oneal.	Woodward.
Parr.	

**Nays—5.**

Holbrook.	Russek.
Hopkins.	Thomason.
Hornsby.	

**Absent.**

Martin.	Pollard.
Neal.	

(25 votes required.)

**Messages From the House.**

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives.

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 660, A bill to be entitled "An Act to validate the incorporation of the city of Groveton, and to declare valid all acts pertaining to the incorporation of said city, and to declare valid and binding each and every of the official acts of the mayor and aldermen sitting as a city council since the incorporation of said city of Groveton, and to ratify, approve, confirm and declare enforceable all levies and assessments and ad valorem taxes heretofore made by the governing body of said city of Groveton not in excess of the limit provided by law, etc., and declaring an emergency."

H. B. No. 736, A bill to be entitled "An Act making it unlawful to hunt or kill any wild turkey or wild deer in Panola County for a period of five years; fixing a penalty, and declaring an emergency."

H. B. No. 739, A bill to be entitled "An Act fixing the compensation of county commissioners in counties having a population of not more than six thousand three hundred twenty (6,320) and not less than six thousand three hundred ten (6,310) according to the United States census of 1930, and declaring an emergency."

(With engrossed rider.)

H. B. No. 750, A bill to be entitled "An Act amending Section or Subdivision 12 of Article 199 of the Revised Civil Statutes of 1925, and changing the times of holding the terms of the District Court in the Twelfth Judicial District of Texas; and changing the length of the terms of the district courts of certain of the counties in said judicial district, etc., and declaring an emergency."

H. B. No. 754, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in the

of teachers' institutes; prescribing the duties of said supervisor; providing for visits of schools of the county and work in cooperation with the teachers, under the direction of the county school superintendent; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency."

H. B. No. 756, A bill to be entitled "An Act providing for the election of a district attorney in the Eighteenth Judicial District of Texas, and declaring an emergency."

H. B. No. 758, A bill to be entitled "An Act authorizing the members of the commissioners' courts of counties of not less than 15,775 and not more than 15,785 inhabitants to receive a monthly allowance for car expense not exceeding fifty dollars (\$50) each month; providing for filing sworn accounts, and declaring an emergency."

(With engrossed rider.)

H. B. No. 793, A bill to be entitled "An Act making it unlawful to hunt, shoot, or kill any wild deer in Houston County, Texas, within two years from the passage of this Act; fixing the penalty, and declaring an emergency."

H. B. No. 820, A bill to be entitled "An Act to provide that counties having a population of not less than 325,700 and not more than 325,900 shall have the authority to establish, own and operate a parental home and school for the care and training of dependent and delinquent youth, providing for defraying the expenses thereof, the administration of said home, providing for the commitment of individuals, validating bonds issued for such purpose, and declaring an emergency."

(With engrossed rider.)

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives.

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 808 by a vote of 115 yeas and 0 nays.

That the House has concurred in

Senate amendments to H. B. No. 255 by a viva voce vote.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives.

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 7, A bill to be entitled "An Act regulating the practice of medicine; amending Article 4495 of the Revised Civil Statutes of 1925 so as to provide for the Texas State Board of Medical Examiners and for the appointment of the members of said board, etc., and declaring an emergency."

H. B. No. 185, A bill to be entitled "An Act to apportion the State of Texas into congressional districts, naming the counties composing the same, and providing for the election of a member of the Congress of the United States from each district, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 981, A bill to be entitled "An Act to empower cities having a population of not less than twenty-seven thousand (27,000) nor more than twenty-eight thousand (28,000) inhabitants, as shown by the preceding Federal census to encumber any one or more of its gas, water, light, or sewer systems, the income thereof and everything pertaining thereto or any part thereof, and by the terms of such encumbrance to grant to the purchaser under any sale or foreclosure under such encumbrance a franchise to operate said encumbered system or systems for not over twenty years after such purchase, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives.

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 54, A bill to be entitled "An Act amending Articles 921 and

922 of the Code of Criminal Procedure of the State of Texas, relating to the method of determining the issue of insanity after a defendant has been convicted of crime, and declaring an emergency."

(With amendments.)

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### S. C. R. No. 27.

Senator Greer sent up the following resolution:

Whereas, The year 1930 marked one hundred years of the independence of Greece.

Whereas, During the struggle for independence the Greeks appealed to the United States for moral support.

Whereas, President Monroe, Daniel Webster, Henry Clay, Edward Everett and Dr. Samuel Howe, raised their voices in the Senate of the United States and outside of government circles in behalf of the liberties of a people to whom the entire civilized world owes an everlasting debt of gratitude.

Whereas, Last August American Legionnaires visited Athens to pay tribute to the memory of the American patriots who struggled for Greek independence and attended the unveiling of a great memorial statue to their memory, erected by the contribution of every Greek school child in Greece.

Whereas, The Government of the United States of America, as a token of the continued friendship of the United States for Greece, sent with the Legionnaire excursionists their respective State flags to be presented to the Greek republic.

Whereas, The Greek Government, in gratitude for this token of friendship, has sent back with the Legionnaires 48 Greek flags, one for each State, as a token of the love of the Greek people for the people of the several states of the Union.

Whereas, The 500,000 citizens of Greek origin have brought to us traditions and a belief in the form of government from which the drafters of our Immortal Constitution copied abundantly.

Whereas, During the great war our American citizens of Greek ori-

gin volunteered in the number of 10,000 and distinguished themselves for valor and devotion to their adopted country; therefore, be it

Resolved, That the Senate of the State of Texas, the House of Representatives concurring, accept with deep appreciation the Greek flag sent by the President of the Republic of Greece as a token of the common ideals that united the two republics during the recent war.

That the Governor be and is hereby empowered to accept the flag and deposit it in the capitol and display it on all proper occasions.

That the Secretary of the Senate properly sign and with State seal thereon transmit a copy of this resolution to the President of the Greek Republic through the Greek Minister in Washington.

GREER.

Read and adopted.

#### S. J. R. No. 2.

Senator Woodul called up from the table the following resolution:

By Senators Woodul and Williamson:

S. J. R. No. 2, Proposing an amendment to Article 3 of the Constitution of the State of Texas by adding to Section 48 thereof a provision authorizing the levying of taxes for State highway purposes and by adding to Section 49 of said Article a provision enabling the Legislature to provide for the extension of the credit of the State for the purpose of the construction of a system of State highways and reimbursing outlays and assuming obligations made by counties and defining road districts of the State thereof.

The committee substitute was adopted.

Senator Woodul sent up the following amendment:

Amendment to Committee Substitute No. 1 to S. J. R. No. 2.

Amend printed S. J. R. No. 2, page 4, line 12, by inserting after the word "which" the following: "since July 1st, 1917."

WOODUL.

The amendment was read.

Senator DeBerry sent up the following amendment:

**Substitute for Amendment No. 1.**

Amend Senate committee substitute to S. J. R. No. 2, page 4, line 12, by inserting after the word "which" the following: "since January 1st, 1916."

DeBERRY.

The substitute was read and lost by the following vote:

**Yeas—12.**

Cunningham.	Poage.
DeBerry.	Pollard.
Hardin.	Rawlings.
Hopkins.	Small.
Hornsby.	Thomason.
Parrish.	Woodruff.

**Nays—17.**

Beck.	Parr.
Berkeley.	Patton.
Cousins.	Purl.
Gainer.	Russek.
Greer.	Stevenson.
Holbrook.	Williamson.
Loy.	Woodul.
Moore.	Woodward.
Oneal.	

**Absent.**

Martin.	Neal.
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Senator Small sent up the following amendment to the amendment:

Amend Amendment No. 1 C. C. S. for S. J. R. No. 2 by striking out the words "July 1st, 1917," and adding in lieu thereof "January 1st, 1925."

SMALL.

The amendment was read.

Senator Parrish sent up the following substitute:

**Substitute for Amendment.**

Amend by adding thereto the following: "Provided, that county or district bonds outstanding where the money derived from same has been expended on highways now parts of the State designated highway system shall be absorbed regardless of date of issuance."

PARRISH.

The substitute was read.

Senator Purl raised the point of order that the amendment was not germane.

The Chair overruled the point of order.

**Executive Session Postponed.**

At 11 o'clock a. m., the Chair announced that the hour for the executive session had arrived.

Senator Woodul moved to postpone the executive session until 11:50 o'clock a. m. The motion prevailed.

**Congressman Mansfield Speaks.**

The committee to escort Congressman Mansfield to the front of the Chamber appeared at the bar of the Senate and announced the arrival of the distinguished visitor.

The Chair introduced Senator Russek who introduced Congressman Mansfield. Mr. Mansfield briefly addressed the Senate.

**Executive Session.**

At 11:50 o'clock the Chair announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

**After Executive Session.**

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

**Senate Chamber,**

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the nomination, by the Governor, of Honorable Elmer L. Lincoln of Texarkana, Texas, as District Attorney of the Fifth Judicial District of Texas, effective April 1, 1931, to succeed Honorable R. G. Waters, resigned; and to whom was referred the nominations, by the Governor, of Honorable J. A. White of Goliad, Texas; Honorable W. E. Fowler of Goliad, Texas; and Mrs. Ida LeMaster of Goliad, Texas, as Commissioners of the Goliad State Park for the ensuing statutory term,

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that said appointments be ratified and confirmed.

POLLARD, Chairman.

Adopted.

**Recess.**

On motion of Senator Stevenson, the Senate, at 12 o'clock noon, recessed until 2 o'clock p. m.

**After Recess.**

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**Point of No Quorum.**

Senator Parrish raised the point of order that a quorum was lacking. The roll call showed 21 present.

**S. J. R. No. 2.**

The question recurred upon the substitute for the pending amendment.

Senator Purl moved the previous question on the substitute. The motion failed to receive the proper seconding.

The substitute was lost by the following vote:

**Yeas—14.**

Cunningham.	Martin.
DeBerry.	Moore.
Gainer.	Parrish.
Hardin.	Poage.
Hopkins.	Rawlings.
Hornsby.	Small.
Loy.	Woodruff.

**Nays—16.**

Beck.	Pollard.
Berkeley.	Purl.
Cousins.	Russek.
Greer.	Stevenson.
Holbrook.	Thomason.
Neal.	Williamson.
Oneal.	Woodul.
Parr.	Woodward.

**Absent.**

Patton.

Senator Pollard sent up the following substitute for the amendment:

Substitute for amendment to S. J. R. No. 2 by striking out "Jan. 1, 1925," and insert in lieu thereof the following: "Jan. 1, 1911."

**POLLARD.**

The substitute was read.

Senator Pollard withdrew his substitute.

Senator Small withdrew his amendment.

Senator Greer moved to reconsider the vote by which the amendment by Senator Parrish was lost.

**House Bill No. 882.**

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 882, A bill to be entitled "An Act providing that certain cities having the population requirements set forth therein may acquire and own special assessment certificates issued in connection with street improvements, that such cities may pladge and impound said certificates as the basis for the issuance of special improvement bonds subject to the limitations and provisions of this Act, etc., and declaring an emergency."

The rule requiring committee reports to lie over 22 hours was suspended by a two-thirds vote.

**Yeas—31.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Rawlings, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 882 was put on its third reading and final passage, by the following vote:

**Yeas—31.**

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hopkins.
DeBerry.	Hornsby.
Gainer.	Loy.

Martin.	Rawlings.
Moore.	Russek.
Neal.	Small.
Oneal.	Stevenson.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodruff.
Poage.	Woodul.
Pollard.	Woodward.
Purl.	

Read third time and finally passed by the following vote:

**Yeas—31.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

**House Bills Referred.**

H. B. No. 660 referred to Committee on Towns and City Corporations.

H. B. No. 736 referred to Committee on State Affairs.

H. B. No. 739 referred to Committee on Counties and County Boundaries.

H. B. No. 750 referred to Committee on Judicial Districts.

H. B. No. 754 referred to Committee on Educational Affairs.

H. B. No. 756 referred to Committee on Judicial Districts.

H. B. No. 758 referred to Committee on Counties and County Boundaries.

H. B. No. 793 referred to Committee on State Affairs.

H. B. No. 820 referred to Committee on Counties and County Boundaries.

H. B. No. 7 referred to Committee on Public Health.

H. B. No. 981 referred to Committee on Towns and City Corporations.

H. B. No. 185 referred to Committee on Congressional Districts.

**Bills Signed.**

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 255.  
H. B. No. 808.  
H. B. No. 131.  
H. B. No. 6.

**S. J. R. No. 2.**

The question recurred upon the motion to reconsider the vote by which Senator Parrish's amendment to S. J. R. No. 2 was lost. The motion was lost by the following vote:

**Yeas—15.**

Cunningham.	Parrish.
DeBerry.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Hopkins.	Rawlings.
Hornsby.	Small.
Martin.	Woodruff.
Moore.	

**Nays—16.**

Beck.	Parr.
Berkeley.	Patton.
Cousins.	Russek.
Gainer.	Stevenson.
Holbrook.	Thomason.
Loy.	Williamson.
Neal.	Woodul.
Oneal.	Woodward.

**Bills Signed.**

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 882.

**Recess.**

Senator Woodul moved to recess until 9:30 o'clock tomorrow morning.

Senator Woodruff moved to recess until 8 o'clock p. m. today.

Senator Martin moved to adjourn until 10 o'clock tomorrow morning.

The motion to adjourn was lost.

The motion to recess until 9:30 o'clock tomorrow morning prevailed and at 5 o'clock p. m., the Senate recessed.

## APPENDIX.

## Committee Reports.

Committee Room,  
Austin, Texas, March 26, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 59, A bill to be entitled "An Act to amend Chapter 64 of the Acts of the Regular Session of the Thirty-fifth Legislature, page 123, relating to the salary of district attorneys, and amending Chapter 55 of the Acts of the Regular Session of the Thirty-fifth Legislature, page 94, relating to the appointment and compensation of assistants of district attorneys, and amending Article 1021 of the Code of Criminal Procedure of Texas relating to the per diem of district attorneys in all judicial districts composed of two or more counties, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,  
Austin, Texas, March 26, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 820, A bill to be entitled "An Act to provide that counties having a population of not less than three hundred twenty-five thousand, seven hundred (325,700) inhabitants and not more than three hundred twenty-five thousand nine hundred (325,900) inhabitants, shall have the authority to establish, own, and operate a parental home and school for the care and training of dependent and delinquent youth, providing for defraying the expenses thereof, the administration of said home, providing for the commitment of individuals, validating bonds issued for such purpose, and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass.

POAGE, Chairman.

Committee Room,  
Austin, Texas, March 26, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 981, A bill to be entitled "An Act to empower cities owning and operating their light system or water systems or sewer systems and gas systems to encumber any one or more of its gas, water, light or sewer systems, the income thereof and everything pertaining thereto or any part thereof, and by the terms of such encumbrance to grant to the purchaser under any sale or foreclosure under such encumbrance a franchise to operate said encumbered systems for not over twenty years after such purchase; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be not printed.

ONEAL, Chairman.

## Committee Amendments.

Amend H. B. No. 981, in Section 1, line 1, page 2, by adding after the word systems, first appearing the words "and gas systems" and by adding after the word systems, second appearing in said line 1, page 2, the words "and gas systems."

Amend H. B. No. 981, in the caption, line 2, after the words "water systems," by adding thereto "and gas systems."

Amend H. B. No. 981, in the caption, line 1, after the words "light systems," by adding thereto "and gas systems."

Committee Room,  
Austin, Texas, March 26, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 572, have had the same under consideration, and I am instructed to report it back to the



Senate with the recommendation that it do pass.

ONEAL, Chairman.

Committee Room,

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 758, A bill to be entitled "An Act authorizing the members of the commissioners' courts of counties of not less than fifteen thousand, seven hundred and seventy-five (15,775) and not more than 15,785 inhabitants to receive a monthly allowance for car expense not exceeding fifty (\$50.00) dollars each month; providing for filing sworn accounts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

POAGE, Chairman.

Committee Room,

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 570, A bill to be entitled "An Act amending Section 4, Chapter 35, Acts of the Special Laws of the Thirty-third Legislature, the same being Senate Bill No. 253; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 882, A bill to be entitled "An Act providing that certain cities having the population requirements set forth herein may acquire and own special assessment certificates issued in connection with street improvements, that such cities may pledge

and impound said certificates as the basis for the issuance of special improvement bonds subject to the limitations and provisions of this Act; providing for use of funds from the sale of such bonds; providing that such bonds shall not be reckoned in determining charter, constitutional or statutory bond limitations and shall not constitute indebtedness of the city contemplated under certain provisions of the Constitution; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ONEAL, Chairman.

Committee Room,

Austin, Texas, March 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 280, A bill to be entitled "An Act conferring upon the Board of Regents of the University of Texas authority heretofore vesting in the Board for Lease of University Lands under Sections 2 and 15 of Chapter 282 of the General and Special Laws of the Regular Session of the Forty-first Legislature, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in lieu of advance printing.

MOORE, Chairman.

Committee Room,

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 566, A bill to be entitled "An Act providing for the taking of fish from the fresh water of Rockwall County, Texas, and making it unlawful to take any such fish except by ordinary hook and line or by seine or net, the mesh which is less than one and one-half inch square, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

## Committee Room,

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 279, A bill to be entitled "An Act to amend Sections 4, 5, 6, 7, 8, 9, 10, and 18 of Chapter 282, S. B. 82, Acts of the Regular Session, Forty-first Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed in lieu of advance printing.

MOORE, Chairman.

## Committee Room,

Austin, Texas, March 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 283, A bill to be entitled "An Act to authorize the Board of Regents of the University of Texas to invest the University Fund, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be printed.

MOORE, Chairman.

## Committee Amendment No. 1.

Amend S. B. No. 283 as follows: By striking out subsection 4 of Section 1, lines 24, 25 and 26 of page 1 of the printed bill, and renumber subsection 5 to conform thereto.

## Committee Amendment No. 2.

Add at the end of Section 3 the following: Pending the construction of fire and burglary proof vaults in the Capitol building, the Board of Regents of the University and the State Treasurer shall rent for the safe-keeping of University securities a fire and burglary proof vault; no University securities shall be handled at the vault except in the presence of a representative of the Board of Regents designated by the Board and the Treasurer of the State or a representative designated by him.

## Committee Amendment No. 3.

Amend S. B. No. 283, Section 5, as follows: By striking out the words "and extensions" in line 29, and by striking out the period after the word "laboratories" in line 32 and add the following: "and for extensions of the campus at the Main University in Austin to cost not to exceed two hundred thousand (\$200,000.00) dollars."

## Committee Amendment No. 4.

Amend Sec. 2 by inserting after the word "Texas" in line 1 of the bill as printed the words "or of the Agricultural and Mechanical College of Texas."

## Committee Amendment No. 5.

Amend by adding after Section 5 Section 6, as follows:

Sec. 6. During the period from the taking effect of this act to December 31, 1933, the Board of Directors of the Agricultural and Mechanical College of Texas, is authorized to borrow amounts aggregating a sum not to exceed two million dollars which (with such other sums as may be available therefor) shall be expended in improvements of the campus of the College and the erection and equipment of permanent buildings thereon for college uses and for extensions to the campus to cost not exceeding one hundred thousand dollars. The Permanent University fund may (and shall, at the request of the Board of Directors of the said Agricultural and Mechanical College) be invested in obligations in the form of bonds which the said directors are hereby authorized to issue to secure the funds to carry out the purposes named. The amount hereby authorized to be invested in bonds issued by the Board of Directors of the Agricultural and Mechanical College may be taken from the Permanent University fund as it may accrue from oil royalties or from the proceeds of sale of United States bonds made in accordance with Section 4 hereof. If with reference to any amount of Permanent University Fund on hand at any time accruing from said royalties or the proceeds of sales there should be insufficient to meet the requirements of the Board of Regents of The Uni-

versity of Texas, as indicated by Section 5 hereof, and the requirements of the Directors of the Agricultural and Mechanical College as here in this section indicated, the available amount shall be apportioned two-thirds to the Board of Regents of The University of Texas and one-third to the Board of Directors of the Agricultural and Mechanical College. The bonds issued shall be in such amounts as shall be designated by the Board of Directors and shall be as of the date of the investment by the Board of Regents. They shall be executed by the said board, acting by its chairman. They shall likewise be signed by the president of the Agricultural and Mechanical College and shall be registered by the accounting officer of that institution. The bonds may be paid before their maturity, and the maturities shall be fixed at the discretion of the Agricultural and Mechanical College not, however, later than July 1, 1944. No bonds shall be issued unless at the time of the issuance thereof one-third apportioned to the Agricultural and Mechanical College of the Available University Fund arising from interest on said Permanent Fund from bonds purchased from royalties shall be sufficient to pay the interest and discharge the principal of the bonds at maturity. The bonds shall bear interest at the rate of four per cent per annum, the first payment of interest to be on January first of the year next succeeding the issue of the bond and semi-annually thereafter on the first of July and January of each year until paid. The bonds shall be and are hereby secured by the pledge of the one-third apportioned to the Agricultural and Mechanical College of the Available University Fund accruing as interest on bonds held by the Permanent Fund during the period from the issuance of said bonds until their maturity and payment. This provision, however, shall not prevent the use by the Directors of the said Agricultural and Mechanical College of any Available University Fund apportioned to said college in making the permanent improvements hereinbefore provided for which may not be needed to discharge the principal and interest on these bonds. The bonds may be in the following form—

THE STATE OF TEXAS  
The Agricultural and Mechanical  
College of Texas  
No. \_\_\_\_\_

The Board of Directors of the Agricultural and Mechanical College of Texas will pay to the Permanent University Fund of The University of Texas on \_\_\_\_\_ 19\_\_\_\_, from the Available University Fund apportioned to said Agricultural and Mechanical College the sum of \_\_\_\_\_ Dollars;

The one-third of the Available University Fund accruing as interest on bonds belonging to the Permanent University Fund apportioned to the Agricultural and Mechanical College is hereby pledged to secure payment of this bond.

The principal and interest of this bond is payable at the treasury of the State of Texas.

Executed at \_\_\_\_\_ Texas, this  
day of \_\_\_\_\_ 193\_\_\_\_.

Board of Directors of the Agricultural and Mechanical College

By \_\_\_\_\_  
Chairman.

\_\_\_\_\_  
President, Agricultural and  
Mechanical College of Texas.  
Registered \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_  
\_\_\_\_\_ of Agricultural and Mechanical  
College of Texas.

Amend by changing the number of Section 6 to Section "7".

Amend title, after the word "same" in line 13 of the bill as printed by adding "to authorize the Board of Directors of the Agricultural and Mechanical College of Texas to borrow money for named purposes in specified amounts and to issue bonds therefor."

Committee Room,  
Austin, Texas, March 25, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 567, A bill to be entitled "An Act defining primary and secondary highways; designating highways so defined, directing the State Highway Commission to complete construction of said designated highways in their order, etc., and declaring an emergency."

Have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be printed in the Journal, and not otherwise.

MOORE, Chairman.

Committee Amendment No. 1.

Amend typewritten copy of S. B. No. 567, Sub-section A of Section 1, as follows:

By striking out the period after the word "Roads" in line 6 and add the following "Authorized by the Acts of Congress of the United States."

Committee Amendment No. 2.

Amend typewritten copy of S. B. No. 567 after the comma in line 2 in Section 2 by adding the following: "or House Joint Resolution No. 14, 42nd Legislature, 1931."

Committee Amendment No. 3.

Amend typewritten copy of S. B. No. 567 by adding after the word "Legislature" in line 1 of Sub-section C of Section 2, the following: "the State Highway Commission shall."

Committee Amendment No. 4.

Amend typewritten copy of S. B. No. 567 as follows: By striking out Paragraph 2 of Section 3, and insert in lieu thereof the following:

"Designations absolutely necessary and essential to complete connections of Class A and Class B Primary Highways and Class A Secondary Highways."

By Moore, Hardin, S. B. No. 567.  
Woodul, Beck,  
Pollard, Thom-  
ason,, Stevenson,  
Neal, Russek,  
Purl, Greer,  
Woodward,  
Woodruff, Parr,  
Oneal, Hornsby,  
Poage, Gainer,  
Berkeley, Mar-  
tin, Williamson,  
Patton.

A BILL

To Be Entitled

An Act defining primary and secondary highways; designating highways so defined, directing the

State Highway Commission to complete construction of said designated highways in their order; limiting the designation of primary and secondary highways; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Highways defined.

A Class "A" primary highway is hereby defined as a highway originating at the Texas State Line and following a continuous route across the State in as near a direct line as practicable to the opposite side of the State and which terminates at a point intersecting the primary highway of the adjoining State at water fronts or Foreign Country, in conformity with the rules promulgated by the Federal Bureau of Public Roads.

A Class "B" primary highway is hereby defined as a highway originating at the State Line or at a point on a Class "A" primary highway and which terminates at the intersection of a Class "A" primary highway.

A Class "A" secondary highway is hereby defined as a highway originating at a county seat or at a point other than the State Line and which terminates at a point on a Class "A" or Class "B" primary highway as above defined.

A Class "B" secondary highway is hereby defined as a highway originating at a point other than at the State Line or other than at a county seat and which follows as nearly as practicable the established rural free delivery routes of the State of Texas. Provided, that this shall not be construed to mean that such rural free delivery routes are adopted and/or designated as a complete system.

Sec. 2. In the event of the issuance of bonds by the State of Texas as proposed in Senate Joint Resolution No. 2, 42nd Legislature, 1931, it shall be the duty of the Legislature:

(A) To make appropriation and provide machinery for the State to assume payment of outstanding county and district road bonds in conformity with the provisions of said Senate Joint Resolution.

(B) Upon appropriation made by the Legislature the State Highway Commission shall begin actual completion and/or construction of the Class "A" and Class "B" primary

highways of the State as designated on maps on file in the State Highway Department and which map or maps are hereby adopted and made a part of the Act, and shown as Exhibit No. 1.

(C) Upon appropriation made by the Legislature to begin construction and/or completion of secondary highways as designated on maps on file in the State Highway Department and which map or maps are hereby adopted and made a part of this Act, and shown as Exhibit No. 2.

Provided, that it shall be the duty of the State Highway Commission to complete and/or construct all Class "A" and Class "B" primary highways above defined and designated through the county seat of the county traversed by such highway, if the said highway is, at the time of the passage of this Act, designated a distance of not more than five miles from the county seat of the county traversed.

Sec. 3. The State Highway Commission shall not have authority to spend any part of the funds provided by S. J. R. No. 2 on designations other than those adopted in subsections (B) and (C) of Section 2 of this Act, except:

Designations absolutely necessary and essential to complete the designations of primary highways as shown on maps referred to in subsection (B) of Section 2.

Sec. 4. No part of the funds provided for under S. J. R. No. 2 shall be expended upon secondary highways unless and until all primary highways as designated by maps referred to in subsection (B) of Section 2 have actually been completed and are useable from State Line to State Line; except secondary highways to complete primary highways as above defined.

Provided, however, that the Highway Commission may, out of highway funds not otherwise appropriated, continue the construction, completion and maintenance of secondary highways already designated as shown in Exhibit No. 2, and provided further that nothing in this Act shall prevent the State Highway Department from shortening routes and straightening alignments of designated highways shown in Exhibit No. 1 as in their judgment will be for the best interest of the citizens

of Texas, but it is further understood that the Highway Commission shall adhere to the general routes and alignments of highways outlined on the maps adopted as parts of this Act.

Sec. 5. The fact that it is important to the taxpayers of the State that they be informed of the expenditure of public funds; that they should know in advance the purposes for which they are asked to supply funds; the fact that the State does not at this time have a completed highway system; the fact that the purpose in asking for the expenditure of the funds provided is S. J. R. No. 2, is to retire outstanding county and district road obligations and to construct a complete and comprehensive system of State Highways, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

#### FIFTIETH DAY.

(Continued.)

Senate Chamber,  
Austin, Texas,

Friday, March 27, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess and was called to order by Lieutenant Governor Edgar E. Witt.

#### Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, March 27, 1931.

Hon. Edgar E. Witt, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 400, A bill to be entitled "An Act regulating the taking and catching of catfish, bass and perch in Wise and Jack Counties, Texas, with any seine or net of a certain mesh; prescribing offenses, fines and